

**ORDINANCE NO. 1
SERIES 2014**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, REPEALING TITLE 15 (*LAND DEVELOPMENT CODE*), OF THE CITY OF GUNNISON MUNICIPAL CODE AND ADOPTING A REENACTED *LAND DEVELOPMENT CODE*.

WHEREAS, the Community Development Director of the City of Gunnison has filed an application with the City of Gunnison, Colorado, seeking approval of a text amendment to repeal Title 15, *Land Development Code* and to adopt a reenacted *Land Development Code*; and

WHEREAS, a public scoping process was initiated in September 2013 that included two open houses, multiple notice mailings, newspaper ads, City's website and Facebook page, presentations and public meetings. Community members were given ample opportunity to share ideas and concerns to allow the City to address public concerns; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to notice published in accordance with the *Municipal Code* of the City of Gunnison, Colorado, on November 13, 2013; and

WHEREAS, Section 15.150.050 of the *City of Gunnison Land Development Code* states that approval of a text amendment to the *Land Development Code* may only occur if the application meets all the Review Standards for a Text Amendment; and

WHEREAS, on November 13, 2013 the Planning and Zoning Commission of the City of Gunnison recommended approval of the Text Amendment application to the City Council based on findings of fact established through the proceedings of record; and

WHEREAS, the City Council of the City of Gunnison, Colorado, held a public hearing on the Text Amendment application to the *Land Development Code* on December 10, 2013;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. Based upon the application seeking a Text Amendment to the *Land Development Code* and the *Municipal Code*, hereinafter described in Exhibit A, the evidence presented to the City Council during the public hearing on the application seeking a Text Amendment, and further, based on the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

- A. This Text Amendment complies with the review standards for Text Amendments (*LDC*, Section 15.150.050).
- B. This Text Amendment repeals the *City of Gunnison Land Development Code (LDC)*, and reenacts a new *Land Development Code*.
- C. The new *Land Development Code* will become a separate standalone document, recognized only by reference in the *City of Gunnison Municipal Code*.
- D. An update of the existing *Land Development Code* is warranted because in some cases the existing *Code* lacks necessary specificity, directives are confusing, and it does not address modern technologies and standards.
- E. The 2013 *City of Gunnison Land Development Code* is a unified code allowing users to find all related land use control provisions in one source document which improves the efficiency and understanding of the City's development process.

- F. While many elements of the *LDC* adopted in 1997 are included in this updated *LDC*, the new *LDC* has a more detailed set of standards, and includes terms to provide more flexibility and certainty.
- G. The revised *LDC* is more comprehensive; it is more predictable, which helps developers; it addresses new trends in development such as solar access and the use of solar panels; and it is more flexible due to the inclusion of the Waiver section.
- H. The revised *LDC* fulfills numerous action items for implementation within the *City of Gunnison Master Plan* policies.
- I. The Planning and Zoning Commission and City staff have carefully researched, drafted and reviewed the revised *LDC*.
- J. A public scoping process for the *LDC* update was initiated in September 2013 and community members were given ample opportunities to discuss the related details in an open and inclusive environment, and the public scoping manifested changes that improve the document.
- K. The revised *Land Development Code* serves to protect the community's health, safety and welfare.

Section 2. Based on the foregoing findings of the City Council of the City of Gunnison, Colorado, the City Council hereby determines that the Text Amendment to the *Land Development Code*, herein described (Exhibit A) is in the best interest of the City of Gunnison, Colorado, and its citizens.

The City Council hereby finds, determines, and declares that the power to zone, regulate land use, and apply development standards to real property are granted under Title 31, Article 23 (Planning and Zoning), and Title 29 Article 20 (Local Government Land Use Control Enabling Act) of the *Colorado Revised Statutes*.

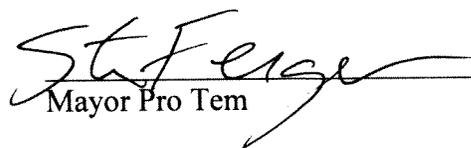
Section 3. Title 15, *Land Development Code*, of the *City of Gunnison Municipal Code* is hereby repealed in its entirety.

Section 4. The *City of Gunnison Land Development Code* (Exhibit A) is hereby adopted in its entirety as a separate, standalone document.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 14th day of January, 2014, on first reading, and introduced, read, and adopted on second and final reading this 28th day of January, 2014.



ATTEST:


Mayor Pro Tem


City Clerk